



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2304754  
**Applicant Name:** Marlene O’Connell for Calvary Christian Assembly  
**Address of Proposal:** 6801 Roosevelt Way NE

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future installation of a double-faced, free standing electronic message board sign.

The following approvals are required\*:

**Variance** to allow a message board sign in a Single Family (SF) zone.  
(SMC 23.55.020 – B).

**Variance** to allow a sign/free standing structure that exceeds six (6) feet in height in a required yard with no open area provided above the six (6) foot height.  
(SMC 23.44.014 – D10a).

**Variance** to allow a sign face that exceeds fifteen (15) square feet in a Single Family zone.  
(SMC 23.55.020 – D5).

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

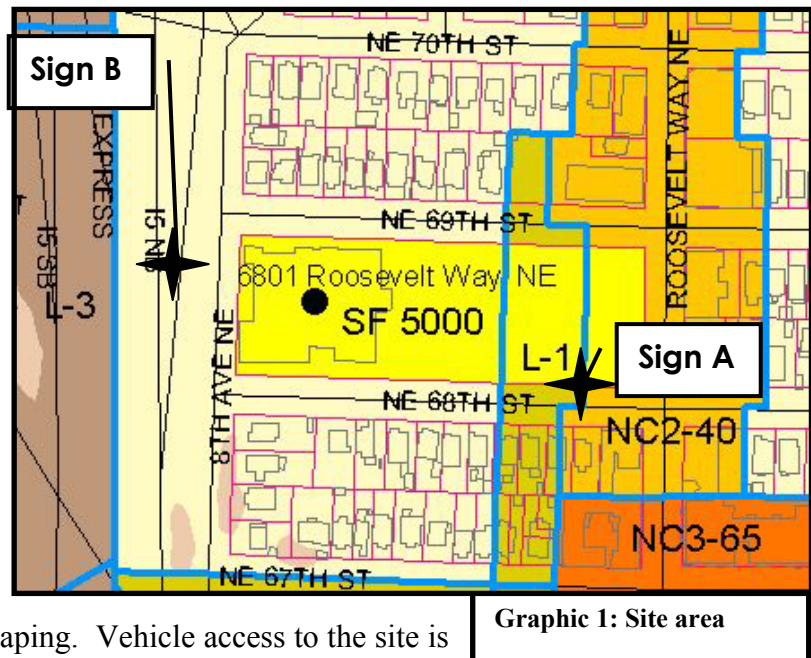
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\* Variances for the originally proposed message board sign in the NC2-40’ zone have been determined not to be required. See the background data discussion section below for further analysis.

## **BACKGROUND DATA**

### **Site Description**

The approximately 123,000 square foot property is located near Interstate 5 between Roosevelt Way NE & 8<sup>th</sup> Ave NE and NE 69<sup>th</sup> and 70<sup>th</sup> Streets. The parcel is split zoned with Single Family 5000 (SF 5000), Lowrise 1 (L1), and Neighborhood Commercial 2 (NC2-40') moving from west to east respectively. The site is relatively flat, with some sloping down from the northwest corner to the south west corner. The existing church (institution) is a substantial building in the north Seattle community, with a vibrant brick façade and recently updated landscaping. Vehicle access to the site is off of NE 68<sup>th</sup> and 69<sup>th</sup> Streets NE and Roosevelt Way NE.



### **Area Development**

Development in the vicinity consists primarily of Single Family residences, some small scale multifamily structures, and some small scale commercial development abutting Roosevelt Way NE all consistent with the zoning. NE 68<sup>th</sup> and 69<sup>th</sup> Streets as well as 8<sup>th</sup> Ave are residential in character, developed with mostly one and two story residential structures. Green Lake Park (west) and Roosevelt High School (east) are in close proximity to the site.

### **Proposal Description**

The applicant proposes to construct two (2) ground double-faced free standing board signs, one in the Single Family zone (Sign B) and one in the Neighborhood Commercial zone (Sign A) (see Graphic 1). Message boards are permitted outright in NC2 zones and as a result no variance is required for the message board sign proposed in the NC2-40' zone. The subject of this analysis applies only to the message board located in the Single Family zone, while discussion related to the message board sign in the NC2-40' is for clarity and reference only.

The message board sign (sign-B) is proposed to be located on the northwest corner of the site and block as shown above (see Graphic 1). Worth noting, the sign will be visible only to users of 8<sup>th</sup> Ave NE. Roosevelt way NE will not have visual contact with the proposed sign. It should be noted that some residences along NE 69<sup>th</sup> St will have visual contact to the proposed sign from their front door access. The sign is proposed to bear the institution's name and faith, while below the name, an electronic message board is proposed, which will advertise current events, programs and related church happenings. The sign is proposed to have an aluminum body, roof caps, and a base. The aluminum body will be textured and painted. The roof cap and base will also be painted. The height of the sign located in the Single Family zone is proposed to be eight

(8) feet in height measured to the ridge line of the pitched roof cap. The area of the sign face is as follows:  $8' \times 9' = 72$  sq ft. The message board aspect of the sign will have programmable lighting capability (intensity), programmable text display methods and also can be programmed to limit the hours of function.

In relation, the requested height of the sign (8') is over allowable height which is a maximum of eight (8) feet with portions above six (6) feet required be open meeting the standards of SMC 23.44.014-D10a when located within a required yard, in this case the required rear yard. Please note that the sign location does not constitute a sloping grade as it relates to SMC 23.44.014-D10a, as a result a variance from this standard is required.

#### Public Comments

During the public comment period which originally ended on September 24, 2003, but was extended to October 8, 2003, the City received ten (10) written comments. Comments were related to negative impact to the residential character of the neighborhood, not meeting neighborhood guidelines, overuse of signs in the area, potential distraction to motorists, property values, zoning code intent, sign size and location, glare impacts, and possible alternate proposals that may still meet the institution's objectives. In the submitted variance narrative (criterion #3), the applicant contends that area residents support the proposed variance and there are letters of endorsement showing this. In a review of the project file contents, no such letters were found.

#### Sign Code Analysis

The City of Seattle regulates signs pursuant to a Sign Code SMC 23.55 that has been upheld as constitutional by the federal courts. The structure of the Sign Code is to ban all signs based on the City's interest in reducing driver distraction and in promoting aesthetics appropriate to each zone. As a result, different sizes and types of signs are allowed in different zones. In particular, Federal Highway administration studies show that signs with moving messages are more distracting to drivers than stationary signs and moving images are the most distracting of all. For this reason, in addition to aesthetic reasons, the City regulates these types of sign by zone.

Standards for signs are graduated in strictness from more strict in residential zones to less strict in commercial zones to least strict in industrial zones, similar to the restrictions on the types of uses that are allowed in these zones.

Churches are allowed as conditional uses in Single Family zones. As a permitted non-residential use a church may have "one electric or non-illuminated double faced identifying wall or ground sign for any permitted nonresidential use in the zone, including institutions (churches are institutions) on each street frontage not to exceed 15 square feet of area per sign face." The code prohibits "flashing, changing image or message board signs" in Single Family zones. An electric sign is defined as "any sign containing electrical wiring but not including signs illuminated by an exterior light source." A message board sign is defined as "an electric sign which has a reader board for the display of information, such as time temperature, of public service or commercial messages, which can be changed through the turning on and off of different combination of light bulbs within the display area." Message board signs are prohibited in all residential zones, and are allowed in the least intense commercial zones (Neighborhood Commercial 1 and 2) and in all other commercial and industrial zones. A changing image sign is not allowed in Neighborhood Commercial 1 and 2 zones and is allowed in more intense commercial zones and in industrial zones.

## **ANALYSIS - VARIANCES**

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

- 1. Because of the unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of the Lands Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity;***

### **“Sign-B”: Single Family (SF) Zone analysis:**

The subject property is in close proximity to Interstate 5 (I-5). Prior to I-5 being constructed in the 1960's, the Church owned and developed a piece of property that was located on the opposite side of 8<sup>th</sup> Ave NE on what is now I-5. The applicant asserts that the proximity of I-5 to the subject property coupled with the purchase of the Church's property for the I-5 construction constitute unusual conditions. The subject property is the subject of this review separate from other tax parcels previously owned by the Church. These two asserted conditions do not create a situation where the strict application of the Land Use Code would deprive the property rights and privileges enjoyed by other properties in the Single Family zoned portion of the site. As stated in the applicant's variance application (criterion #1 narrative), the sign in question will only be visible to travelers of 8<sup>th</sup> Ave NE and conversely travelers of Roosevelt Way NE will not have visual contact with the proposed sign. Separately, the applicant is seeking a permit for a message board sign in the area of Roosevelt Way NE and the NC2-40' zone, which has similar signs in the area. The subject of this application is for 8<sup>th</sup> Ave NE which is in a Single Family zone for the entirety of its visibility.

- 2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

### **“Sign-B”: Single Family (SF) Zone analysis:**

The Church currently has a message board sign in the same general area as proposed “sign-B”. The existing sign is manually operated, back lit with fluorescent lighting and manually changeable black lettering, typical of older movie theater signs advertising movie names and times (see graphic 2). It should be noted that the existing sign would require a variance if it were newly constructed today. Message board signs are discouraged in residential zones in order to preserve the character and separation of residential and commercial uses. The requested sign height and overall area is of greater scale than the existing sign. Conversely, the light and glare impacts from the proposed sign's light intensity will be less than the existing sign. The proposed sign will not be backlit with fluorescent lighting, but will be electronically lit (only the lettering of the message will be lit). The proposed sign was displayed to the Land Use Planner during a meeting with the applicants and its glare intensity in a dark room was minimal. One aspect of the proposed sign that will bring a new element beyond the existing sign's capability is the electronic messaging capability. As a result, the granting of a message board with moving messages will go beyond the minimum necessary to afford relief. The fact that programming messages will be faster, easily updatable, and possibly more visible to passers-by does not

warrant being the minimum necessary to afford relief. Granting of an electronic message board sign in a Single Family zone would be a grant of special privilege as other Single Family or near by Lowrise zoned properties would not be able to erect similar signs. Another aspect of the sign, the Churches' name above the message board, would not go beyond the minimum necessary to afford relief as the existing sign already bears the churches name. Worth noting, the proposed sign is designed to better compliment the architecture and finished materials of the detailed façade of the church, which consists of a large brick area with distinct architectural detailing. Further, the proposed height and width of the sign at 8' (height) by 9' (width) (8'x 9') feet is larger in height and width than the existing sign (see Graphic 2). The existing sign is approximately six (6) feet in height with an approximate width of seven (7) feet. As a result, the granting of the height, width and resulting sign face area requested would go beyond the minimum to afford relief with regard to the proposed height and area of the sign.

Graphic 2: Existing Church Sign in SF zone



3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

*“Sign-B”: Single Family (SF) Zone analysis:*

The proximity of the proposed sign to the Single Family parcels and block to the north would be approximately seventy-six (76) feet. The face(s) of the sign are proposed to direct north and south to target 8<sup>th</sup> Ave NE vehicle traffic and passers-by, so the north face of the sign will directly face the Single-Family Zone to the north. The facing direction of the sign coupled with the electronic moving messages capability of the proposed sign will be materially detrimental to the public welfare and injurious to the Single Family properties to the north. The height and area of the proposed sign is outside of what is allowed by the Land Use Code and would be materially detrimental to the public welfare or injurious to the property as a result of the increased bulk, commercial intrusion (moving electronic message board), and height. In relation, the design and function of the proposed sign will eliminate the fluorescent back lit aspect of the existing sign, which creates a negative aesthetic impact as well as light and glare impacts. At the same time the fluorescent back lit impact will be taken away, the new impact of moving messages will be introduced to the Single Family zone, which conflicts with the goals of the Sign Code and the Single Family character of 8<sup>th</sup> Ave NE and NE 69<sup>th</sup> St.

4. ***The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship or practical difficulties;***

“Sign-B”: Single Family (SF) Zone analysis:

The literal and strict interpretation in this case does not cause a hardship on the applicant as the right to advertise the Church’s name is not precluded by the provision. Signs are permitted outright to be fifteen (15) square feet per sign face on each street frontage. The actual Church name area of lettering is approximately fifteen (15) square feet, which meets the applicable provisions of the Land Use Code, but the Department measures sign face as the entire area of the sign structure which is proposed to be 8’ (height) by 9’ (width) or seventy two square feet ( $8' \times 9' = 72 \text{ sq. ft.}$ ). Strict application of the Land Use Code related to the height in this case would not cause undue or unnecessary hardship or practical difficulties.

Further, it should be noted that the Church recently received (5/13/2003) a permit to erect a sign on the western façade of the Church which faces and is visible to 8<sup>th</sup> Ave NE and Interstate 5. The said sign displays the Church’s name in white illuminated letters and is not a message board sign. When applying the subject variance criteria of this section to allow a message board sign in a Single Family zone, it is very clear that not allowing the message board sign would not cause undue hardship or practical difficulties to the Church as the Church has functioned since 1948 (original permit date) without an electronic message board sign.

The applicant intends the use of the message board to be for public awareness of community functions such as the following: homeless services, AAA Driving School, rehabilitation services for drug and alcohol as well as domestic violence/abuse counseling, housing services, and finally, Bible Study. The applicant contemplates that communication of these services would be impossible via signage without the use of electronic changing message technology. By precluding the message board sign, it would not cause an undue or unnecessary hardship as the Church would still function without the electronic message board aspect of the sign. Alternatives locations exist for such advertising of community events that are lawful, for example the proposed message board located on the Roosevelt Way NE side of the site, which is in the NC2-40’ zone.

**5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.***

“Sign-B”: Single Family (SF) Zone analysis:

When analyzing the spirit and purpose of the Land Use Code it is appropriate to look at the function of each zone as it relates to the area of the proposal and the variance requested. The character of the area of the proposed sign has predominantly Single Family and Multifamily uses and structures. There is Commercial and Lowrise zones to the east of the proposed sign, but the proposed sign will not be visible from the Commercial or Lowrise zones and as a result, analysis of these zones for spirit and purpose is not necessary as they are beyond the zone and vicinity of the requested variance. The Single Family zone functions as land designated for the sole purpose of detached Single Family structures. The intent of the sign code is to “promote the enhancement of business and residential properties and neighborhoods by fostering the construction of signs complementary to the buildings and uses to which they relate and which are harmonious with their surroundings.” In this case, the vicinity in which the sign is proposed and visible is zoned Single Family and is clearly residential in nature. Allowing an electronic commercial message board in a Single Family zone would be in opposition to the intent of the Sign Code and would be incompatible with the Single Family zone in which the sign is

proposed. The Single Family zone is intended for residential use only with existing code language to permit structures and uses such as the subject church in Single Family zones when meeting certain criteria. The requested variance is inconsistent with the spirit and purpose of the Land Use Code for the zone and area in which the proposal is located.

**DECISION – VARIANCE:**

**Variance** to allow a message board sign in an Single Family (SF) zone. (SMC 23.55.020 – B).

**DENIED**

**Variance** to allow a sign/free standing structure that exceeds eight (8) feet in height in a required yard. (SMC 23.44.014 – D10). **DENIED**

**Variance** to allow a sign face that exceeds fifteen (15) square feet in a Single Family zone.

**DENIED**

**SUPERSEDING REGULATIONS**

Because the Washington Supreme Court has ruled that municipalities may not apply land use regulations to churches in the same manner that it applies regulations to other landowners, the City believes that it is legally required to approve the application despite the City's determination that it does not comply with Code requirements, as described above.

Signature: (signature on file) Date: March 15, 2004  
Lucas DeHerrera, RIC Land Use Planner  
Department of Planning and Development  
Land Use Services